

ASSEMBLY BILL

No. 2640

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to amend Section 11357 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2640, as introduced, Roger Hernández. Marijuana: possession: penalty.

Existing law provides that, except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of or within any school that provides instruction in kindergarten or any of grades 1 through 12 during the hours the school is open for classes or school-related programs is guilty of a misdemeanor and, upon a finding that a first offense has been committed, subject to a fine of not more than \$250, or, upon a finding that a 2nd or subsequent offense has been committed, subject to a fine of not more than \$500 or commitment to a juvenile facility, as specified, or both.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11357 of the Health and Safety Code is
2 amended to read:

1 11357. (a) Except as authorized by law, every person who
2 possesses any concentrated cannabis shall be punished by
3 imprisonment in the county jail for a period of not more than one
4 year or by a fine of not more than five hundred dollars (\$500), or
5 by both such fine and imprisonment, or shall be punished by
6 imprisonment pursuant to subdivision (h) of Section 1170 of the
7 Penal Code.

8 (b) Except as authorized by law, every person who possesses
9 not more than 28.5 grams of marijuana, other than concentrated
10 cannabis, is guilty of an infraction punishable by a fine of not more
11 than one hundred dollars (\$100).

12 (c) Except as authorized by law, every person who possesses
13 more than 28.5 grams of marijuana, other than concentrated
14 cannabis, shall be punished by imprisonment in a county jail for
15 a period of not more than six months or by a fine of not more than
16 five hundred dollars (\$500), or by both such fine and imprisonment.

17 (d) Except as authorized by law, every person 18 years of age
18 or over who possesses not more than 28.5 grams of marijuana,
19 other than concentrated cannabis, upon the grounds of, or within,
20 any school providing instruction in kindergarten or any of grades
21 1 through 12 during hours the school is open for classes or
22 school-related programs is guilty of a misdemeanor and shall be
23 punished by a fine of not more than five hundred dollars (\$500),
24 or by imprisonment in a county jail for a period of not more than
25 10 days, or both.

26 (e) Except as authorized by law, every person under ~~the age of~~
27 *18 years of age* who possesses not more than 28.5 grams of
28 marijuana, other than concentrated cannabis, upon the grounds of,
29 or within, any school providing instruction in kindergarten or any
30 of grades 1 through 12 during hours the school is open for classes
31 or school-related programs is guilty of a misdemeanor and shall
32 be subject to the following dispositions:

33 (1) A fine of not more than two hundred fifty dollars (\$250),
34 upon a finding that a first offense has been committed.

35 (2) A fine of not more than five hundred dollars (\$500), or
36 commitment to a juvenile hall, ranch, camp, forestry camp, or
37 secure juvenile home for a period of not more than 10 days, or

- 1 both, upon a finding that a second or subsequent offense has been
- 2 committed.

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